

Committee(s):	Date(s):
Police Committee	28 February 2019
Subject: The Counter-Terrorism and Border Security Act 2019 and The Crime (Overseas Production Orders) Act 2019	Public
Report of: City Remembrancer	For Information
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Summary	
<p>The Counter-Terrorism and Border Security Act 2019 received Royal Assent on 12 February 2019. The Act created new terrorism offences, amended the law relating to Anti-Terrorism Traffic Regulation Orders, and enabled local authorities to make referrals to Prevent panels.</p> <p>The Crime (Overseas Productions Orders Act 2019 received Royal Assent on 12 February 2019. The Act enables police to apply for an order in a UK court to require an overseas communication service provider to produce or grant access to electronic data for the purposes of investigating and prosecuting serious crimes.</p>	
Recommendation	
Members are asked to note the report.	

Main Report

Background

The Counter-Terrorism and Border Security Act 2019 was reported to the Police Committee after its Second Reading in the House of Commons. Changes since that report, which are relevant to the City of London Corporation are highlighted below.

Counter-Terrorism and Border Security Act 2019

1. The Act makes it an offence to view terrorist material over the internet, where such information, including photographic and electronic records, is likely to be useful to a person committing or preparing an act of terrorism. This makes the 'streaming' of such material an offence; previously only the downloading of such material was an offence. This differs from the original clause in the Bill, which would have required the material to be accessed three times as opposed to the single access now required under the Act. A defence of reasonable excuse is provided, which includes accessing the material for the purposes of academic research or work as a journalist.

2. A new provision, which was not originally included in the Bill when previously reported, makes it an offence to enter or remain in an overseas area which has been designated by the Secretary of State. This will make it an offence for UK citizens to travel to conflict zones such as Syria, which is expected to be designated under the Act. Exemptions are provided in the Act and include carrying out work as a journalist, the provision of humanitarian aid, visiting of terminally ill relatives, and carrying out work for the United Nations.

The Crime (Overseas Production Orders) Act 2019

3. The Act enables law enforcement agencies and prosecutors to apply through the UK courts for an order to require a communication service provider outside the UK to produce or grant access to electronic data for the purposes of investigating and prosecuting serious crimes. This will only take place where the UK has secured an international agreement with the country in which the service provider is located.
4. No such international agreements have been secured as yet. The Government is currently negotiating a bilateral data-sharing agreement with the United States.

Conclusion

5. Members are asked to note this report.

Background Papers:

Report on Counter-Terrorism and Border Security Bill, Police Committee, 20th September 2018

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